



# Bureau of HIV and STD Prevention

HIV/STD Clinical Resources Division  
HIV/STD Epidemiology Division  
HIV/STD Health Resources Division

Est. December 21, 2001

Rev. May 21, 2002

HIV/STD Policy No. 200.005

## DISCLOSING CONFLICT OF INTEREST IN ASSEMBLIES

### PURPOSE

The purpose of this policy is to define conflict of interest as it applies to Assemblies and the HIV/STD health and support services planning process, and to establish a method of preventing and resolving conflict of interest that may occur. This policy establishes guidance for deciding whether a member should participate in various decision-making processes and is intended to prevent members from using their positions for financial gain for themselves or an associated party.

### AUTHORITY

Title II of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990 and CARE Act Amendments of 1996 and 2000; V.T.C.A., Health and Safety Code, Chapter 85, Subchapter B; Texas Administrative Code, Chapter 98, Subchapter A; HIV/STD Policy No. 200.001 "Establishment of Assemblies."

### DEFINITIONS APPLIED TO BUREAU POLICY

Conflict of Interest	Using one's official position to influence decisions that result or appear to result in direct or indirect financial, personal, organizational, or professional gain for one's self or an associated party with whom the individual has family, business, or other ties.
Contractor	A legal entity under contract with TDH to provide goods or services to people who are infected or affected by HIV, AIDS or STDs, or to implement goals supporting the Bureau's mission.

### CONFLICT OF INTEREST

Assemblies consist of individuals within the community who volunteer their time and energy to the planning of HIV services activities. Some of the Assembly members are also employed by or affiliated with agencies that are contractors or subcontractors with the Texas Department of Health (TDH) or other agencies whose funds are allocated based on the priorities identified by the Assemblies. However, their role on the Assembly is to represent members of the community who are infected and/or affected by HIV disease. Therefore, the potential for or the appearance of a conflict of interest exists during planning processes such as priority setting and resource allocations.

The following is a list of some Assembly processes that may lead to conflicts of interest. The list is not exhaustive and conflicts of interest may arise in other Assembly activities.

1. Assessing community resources for HIV/STD services.
2. Conducting the needs assessment process and interpreting information from this process.
3. Prioritizing service categories.
4. Allocating resources to service categories.
5. Evaluating the planning process.

## CONFLICT OF INTEREST DISCLOSURE STATEMENT

All Assembly members are required to complete and sign a Conflict of Interest Disclosure Form for HIV/STD Assemblies which contains, at a minimum, the content in the attached sample (HIV/STD Form No. 200.005-A). Forms must be completed annually before members participate in discussion, debate, or vote regarding any business before the Assembly. Signed disclosure statements will be kept on file with the Assembly. Conflict of interest disclosure statements include any professional and/or personal affiliations with agencies that provide HIV/STD services to the affected communities.

## DECLARING CONFLICT OF INTEREST

Any member of an Assembly who perceives a conflict of interest for himself/herself must take the following actions:

1. declare the conflict of interest prior to beginning discussions or debate,
2. refrain from voting on a category in which the conflict of interest exists, and
3. refrain from influencing another Assembly member's vote for a category in which the conflict of interest exists.

Upon request of other Assembly members, the person who declares a conflict of interest may provide technical advice and answer questions related to the category in which a conflict exists.

When an Assembly member realizes a potential conflict of interest situation for another member during an Assembly meeting, he/she will voice the concerns to the Assembly. The potential conflict of interest is to be recorded in the meeting minutes and the meeting continued. Following the meeting, if the conflict of interest was not resolved to the satisfaction of any member, any member may then initiate a review of the decisions made by the Assembly during the meeting by filing a request with the appropriate committee (see bylaws).

## MINIMIZING CONFLICT OF INTEREST

To minimize the negative impact of conflict of interest, the planning process will be open, public, and based on clear policies. Planning policies and procedures will include

the following.

1. A definition of conflict of interest.
2. A method of disclosure of conflict of interest.
3. A duration that a conflict of interest disclosure is effective.
4. A method or methods of resolution when a conflict of interest action arises that violates planning policies and procedures.

#### DATE OF LAST REVIEW:

November 13, 2002      See revisions section.

#### REVISIONS

<p>Page 2, line 4, item 1</p> <p>Page 2, line 13</p> <p>Page 2, line 14</p>	<p>deleted “prevention and” after “resources for HIV/STD”</p> <p>changed “the” to “a” after “to complete and sign”</p> <p>added “which contains, at a minimum, the content in the attached sample” after “Disclosure Form for HIV/STD Assemblies” and added a period after “(HIV/STD Form No. 200.005-A)”</p>
<p>Page 2, lines 15-16</p>	<p>new sentence beginning with “Forms must be completed”, inserted the word “members” after “annually before”, and change the word “participating” to read “participate” before “in discussion, debate, or vote”</p>
<p>Page 2, line 19</p>	<p>changed the word “prevention/services” to read “services” after “that provide HIV/STD”</p>
<p>Page 4</p> <p>Page 4, lines 8-9</p>	<p>added the “SAMPLE” watermark</p> <p>changed the word “conduct” to “provide” after “Texas Department of Health (TDH) to” and changed “prevention activities” to “care services”</p>
<p>Page 4, line 17</p> <p>Page 4, lines 35, 39, 43</p>	<p>inserted “200.005” after “HIV/STD Policy No.”</p> <p>changed “Populations served” to read “Services provided” before “by organization” in each statement.</p>

Conflict of Interest Disclosure Form  
for Assemblies

I, as a member of the \_\_\_\_\_ Assembly, understand that I must fully disclose any and all professional or personal affiliations with organizations that receive or may request funds from the Texas Department of Health (TDH) to provide HIV care services.

I further understand that as a member of the Assembly, I must not use my official position to influence decisions of the Assembly that result or appear to result in direct or indirect financial, personal, organizational, or professional gain for myself or an associated party with whom I have family, business, or other ties.

I have read, understand, and support the section of the Assembly's bylaws pertaining to "Conflict of Interest" and Texas Department of Health HIV/STD Policy No. 200.005. Affiliations severed more than twelve months prior to the date of signing this form do not present a conflict of interest and therefore do not need to be disclosed.

\_\_\_\_\_  
Member's Name (Print or Type)

\_\_\_\_\_  
Member's Signature

\_\_\_\_\_  
Date Signed

To the best of my knowledge, I have personal, professional, family or business affiliations with the organizations or persons listed below who either are funded through the TDH, work for an agency funded by TDH, or who may apply to TDH for funding. This information is provided in good faith to avoid any real or perceived conflict of interest in the discharge of my duties as an Assembly member.

Organization:

Position in organization:

Services provided by organization:

Organization:

Position in organization:

Services provided by organization:

Organization:

Position in organization:

Services provided by organization:

(Attach additional sheets if necessary.)